

This Court need not determine if the circumstances presented by Plaintiff are sufficient to warrant a granting of his Motion to Reconsider. A review of this Court's files reveals that Plaintiff filed a Complaint containing the same claim against Defendant Preston in 2004 (3:04cv373). This case was dismissed for failure to state a claim. The principle of res judicata operates to bar further claims by parties or their privies based on the same cause of action that has been previously adjudicated on the merits. See *Young-Henderson v. Spartanburg Area Mental Health Ctr.*, 945 F.2d

770, 773 (4th Cir. 1991).

IT IS THEREFORE ORDERED THAT Plaintiff's Motion to Reconsider is **DENIED**.

Signed: January 8, 2007

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

